

REMARKS

Claims 14-20 have been examined. Claims 1-13 have been canceled, without prejudice, for filing in a continuation application. Claim 14 has been amended, and claims 15 and 16 have been canceled. New claim 23 has been added. Reconsideration of the claims, as amended, is respectfully requested.

Information Disclosure Statement

Submitted herewith is an Information Disclosure Statement that contains references cited in the IDS filed November 22, 2005, plus additional references that have come to the attention of the Applicant.

Claim Rejections Under 35 U.S.C. § 103

Claims 14-20 have been rejected under 35 U.S.C. 103 as being unpatentable over Girard in view of Seidel. This rejection is respectfully traversed in part and overcome in part.

As now amended, claim 14 claims several features which are not taught or suggested by the cited art. For example, claim 14 requires a pair of connectors that are rotatably coupled to the upper portion on opposite sides of the opening. Also, each of the connectors includes an aperture. The footwear of claim 14 also includes a strap that is constructed of a lofted foam material and has a pair of ends. At least one strip of material is connected to the strap so as to have a pair of free ends that extend beyond each end of the strap. In this way, the strap is attached to the connectors, with the ends of the strip of material passing through the aperture in each connector and then folding back on itself.

In contrast, the Girard patent describes a strap of fabric 26 that is connected to a fixed guide 27 at only one location on the shoe. Hence, claim 14 of the present invention includes at least four limitations not taught or suggested by the cited art. These include: (1) a strap that is constructed of a lofted foam material, (2) connectors that are rotatably coupled to the upper portion, (3) at least one strip of material coupled to the strap that extends beyond both ends of the strap, and (4) the ends of the strip are coupled to each of the connectors. Hence, claim 14 is distinguishable over the cited art for at least these reasons.

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PATENT

Applicant notes the recitation in the office action regarding claim 20 that it would have been obvious "to provide a pair of connectors" as this involves only duplication of parts. Applicant's respectfully disagree. The connectors of claim 14 are not simply "duplicated." The second connector is rotatably coupled to the upper portion at the other side of the opening which is not taught or suggested by the cited art. Also, it is used to connect a strip of the adjustment mechanism that is in turn coupled to the strap. In this way, two independent ways of adjusting the strap are provided. This permits the foam material to be centered on the user's heel when adjusting the tension on the back of the heel. Nowhere in the Girard patent is there any teaching of such a feature. Hence, claim 14 is distinguishable for this additional reason, and it is respectfully requested that the section 103 rejection of claims 14 and 17-19 be withdrawn.

Added claim

New claim 23 has been added and includes several feature not taught or suggested by Girard and Seidel, including a heel piece constructed of a lofted foam material and two rotatable connectors. Hence, claim 23 is also distinguishable over the cited art.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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